

MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: FEBRUARY 28, 2018

In attendance = X; Alternates Seated = S; Partial Attendance = P;
Excused Absence = E

Glenn Della-Monica Chairman <u> X </u>	Timothy Malley Vice-Chair <u> X </u>	William Collins Secretary <u> E </u>	Charles Brackett Member <u> E </u>
Jordan Ulery Member <u> X </u>	Dillon Dumont Member <u> X </u>	Elliott Veloso Alternate <u> S </u>	Ed Van der Veen Alternate <u> S </u>
Ethan Meinhold Alternate <u> E </u>	Marilyn McGrath Select. Rep. <u> E </u>	David Morin Alt. Select. Rep. <u> S </u>	

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Meeting called to order at approximately 7:00 p.m.

- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES

Chairman Della-Monica appointed Mr. Veloso, Mr. Van der Veen, and Selectman Morin as voting members.

- V. ELECTION OF OFFICERS
- VI. MINUTES OF PREVIOUS MEETING(S)

- 24 January 18 Meeting Minutes – Decisions

Mr. Ulery stated that Selectman McGrath had emailed corrections. She and Mr. Brackett had voted against the item on Page 2.

Chairman Della-Monica observed that the vote tally was there but not the names of those in opposition.

Mr. Malley pointed out that Mr. Ulery was present at the meeting but Mr. Veloso was appointed in his place.

Chairman Della-Monica noted that Mr. Ulery came in late and Mr. Veloso was appointed just until he came in a minute or so into the meeting. That note in the minutes should be deleted.

Mr. Malley moved to approve the 10 January 18 Meeting Minutes (as written/amended).

Motion seconded by Mr. Van der Veen. Motion carried.

- VII. CASES REQUESTED FOR DEFERRAL
- VIII. CORRESPONDENCE
- IX. PERFORMANCE SURETIES
- X. ZBA INPUT ONLY
- XI. PUBLIC HEARINGS
- XII. OLD BUSINESS/PUBLIC HEARINGS
- XIII. DESIGN REVIEW PHASE
- XIV. CONCEPTUAL REVIEW ONLY

- XV. NEW BUSINESS/PUBLIC HEARINGS

- A. McDonald's Restaurant Remodel Site Plan
SP#02-18
001

75 Derry Street
Map 165/Lot 155-

Purpose of Plan: to renovate an approximately 3,000 square foot single story fast food restaurant with drive-thru, improvements to ensure compliance with ADA regulations, and other minor site improvements. Application Acceptance & Hearing.

Mr. Ulery moved to grant the Site Plan application for 75 Derry Street, Map 165/Lot 155-001.

Motion seconded by Mr. Malley. All in favor – motion carried.

WAIVER MOTIONS:

- 1) HR 275-9.A – Requirement for a stormwater management plan

Mr. Veloso moved to grant the requested waiver HR 275-9.A – Requirement for a stormwater management plan based on staff analysis and the testimony of the Applicant's representative here this evening.

Motion seconded by Mr. Dumont. All in favor – motion carried.

- 2) HR 276-11.1 (24) – Required open space

Mr. Veloso moved to grant the requested waiver HR 276-11.1 (24) – Required open space based on staff analysis and the testimony of the Applicant's representative here this evening.

Motion seconded by Mr. Van der Veen. All I favor – motion carried.

Mr. Veloso moved to approve the Site Plan entitled: Site Development Plans, McDonald's with Drive Through, 75 Derry Road, Town of Hudson, NH, (Map 165/Lot 155-1), prepared by Boehler Engineering, 75 Federal St., Boston, MA, dated 13 October 2017 (Revisions through 15 February 2018) and consisting of Sheets C1-C9, Boundary & Partial Topo Plans by Control Point Associates, and Sheets A.1, A.2.0, and A.2.1:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Site Plan-of-Record.
2. All improvements shown on the Site Plan-of-Record shall be completed in their entirety and at the expense of the Applicant or his assigns.
3. Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As Built" site plan shall be provided to the Town of Hudson Land Use Department, confirming that the site conforms to the Planning Board approved site plan.
4. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No construction activities shall be allowed on Sundays.
5. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 9:00 P.M. Monday through Saturday only and prohibited on Sunday.
6. This plan shall be subject to final engineering review and approval by CLD and Town staff.

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

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| B. 30 Robin Drive 2-Lot Subdivision
SB#02-18 | 30 Robin Drive
Map 157/Lot 060 |
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Purpose of Plan: to subdivide Map 157/Lot 060 into two separate lots for residential use. Application Acceptance & Hearing.

Mr. Malley moved to grant the 2-Lot Subdivision application for 30 Robin Drive, Map 157/Lot 060.

Motion seconded by Mr. Morin. All in favor – motion carried.

Mr. Malley moved to grant the subdivision plan entitled: Residential Subdivision Plan, 30 Robin Drive, Map 157, Lot 60, 30 Robin Drive, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc., 10 Commerce Park N, Bedford, NH, dated: December 21, 2017 (Revised Feb. 14, 2018), consisting of Sheets 1 – 6 and Notes 1 – 20:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Subdivision Plan and all agreed upon easement deeds.
2. A cost allocation procedure (CAP) amount of \$5759 per residential lot shall be paid prior to the issuance of a Certificate of Occupancy for the new house lot.
3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
4. The applicant shall install a street sign meeting the requirements of the Highway Department for the private way prior to Planning Board endorsing the Plan-of-Record.

5. Approval of this plan shall be subject to final engineering review, including the location of utility connections with respect to the new driveway.
6. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

Motion seconded by Mr. Ulery. All in favor – motion carried.

C. Federal Street 2-Lot Subdivision
SB#03-18

11 Federal Street
Map 165/Lot 058

Purpose of Plan: to subdivide the Map 165/Lot 058 into two separate conforming single family residential lots. Application Acceptance & Hearing.

Mr. Malley moved to grant the 2-Lot Subdivision application for 11 Federal Street, Map 165/Lot 058.

Motion seconded by Mr. Ulery. All in favor – motion carried.

Mr. Malley moved to grant the subdivision plan entitled: Jean Subdivision Plan, 11 Federal Street, Map 165, Lot 058, prepared by M.L. Grainger Engineering, Inc., 220 Derry Road, Hudson, NH, dated: November 15, 2017 (no revision date), consisting of Sheets 1 - 3 and Notes 1 – 22:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$5759 per residential lot shall be paid prior to the issuance of a Certificate of Occupancy for the new house lot.
3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
4. Approval of this plan shall be subject to final engineering review.
5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall occur on Sunday.

Motion seconded by Mr. Ulery. All in favor – motion carried.

XVI. OTHER BUSINESS

- A. Develop Planning Board Action Plan for 2018, Including Review of the Zoning Ordinance Review Committee's (ZORC) ongoing efforts to update the Town's Zoning Ordinance and possible amendments to the Land Use Regulations and Planning Board Bylaws.

Mr. Theborge presented the Board members with a draft "Land Use Policy" dealing with parking setbacks and buffers. He described it as a policy document that is

intended to clarify staff and Board interpretations and applications of the zoning and land use regulations. Both the Zoning Ordinance and Land Use Regulations contain setbacks related to parking, and they not all in sync with each other and some are unclear. The Land Use Policy sorts through the State statutes, the Zoning Ordinance, Land Use Regulations, and past practice to come up with a summary of how applications will be processed under those various regulatory provisions.

Mr. Thebargé proposed that staff draft a series of Land Use Policies on similar issues that have come up in the past and present them to the Boards for input and direction. Board members could submit additional issues and staff would prepare draft Land Use Policies to address them. Once the Boards and staff are good with the drafts, they could be presented to the Board of Selectmen for review and approval. That way, applicants, staff, Board members, and Selectmen would all know how the rules are being interpreted and applied. This could help resolve conflicts between various opinions on how the rules should be interpreted and applied and improve communications and consistency.

Finally, Mr. Thebargé proposed that the development of the Land Use Policies be the Zoning Ordinance Review Committee process for this year. The process would identify needed changes. The simplest way to accomplish those changes might be to amend a Land Use Policy (interpretation of existing regulations). If it couldn't be "fixed" with a LU Policy, the next most rigorous process would be to amend the Land Use Regulations. There will be some needed changes that can only be accomplished through Zoning Ordinance amendments that require approval at Town Meeting. This process could focus those ZO amendments to issues that can't be addressed using the other tools.

Chairman Della-Monica indicated that in past years, the ZORC process alternated between doing Zoning Ordinance amendments and Land Use Regulations amendments. This makes sense to review both together.

Mr. Thebargé also offered that the process could be more efficient if Board members focused on policy direction and asked staff to work on the detailed technical language to accomplish that policy direction. For the Boards to get bogged down in the technical wording changes is frustrating and prevents accomplishing the full program goals.

Chairman Della-Monica pointed out that the Boards and Selectmen would have final say on the wording. Mr. Thebargé agreed.

The Planning Board members present unanimously endorsed moving forward on this process track.

Selectman Morin asked that a joint meeting of the Zoning Board and Planning Board be convened to discuss the proposed process as soon as possible.

Mr. Thebargé asked the Board to consider a possible process for expediting change of use applications. The ZORC recommended to the Planning Board creating a staff review committee to look at change of use where no external changes are proposed. The Planning Board felt that abutters should get notice and have opportunity to give comment and decided not to send that proposed amendment to the voters.

Chairman Della-Monica pointed to the minor site plan review process as an option.

Mr. Thebarge noted that that process is almost the same as full Planning Board review. It requires a survey and site plan, and it often ends up being referred to the full Board, adding time and expense to applicants. He pointed to a 2007 application for change of use at the bank across the way on Baker and Derry Street. The Planning Board accepted a conceptual review of the proposal to change tenants and granted a waiver of full site plan review. This would significantly reduce applicant time and expense while giving notice and opportunity for neighbor input.

Mr. Malley indicated that he was the applicant in that bank change of use application, which is why he supported keeping the Planning Board review process in place.

Chairman Della-Monica stated that this process has been used on other applications as well.

The Board members present unanimously endorsed treating change of use applications where no exterior changes are involved as conceptual reviews with option to waive site plan review submissions.

B. Letter from Betsy Gamrat on Cyclist/Pedestrian Safety of Town CMAQ project

The Planning Board received a letter from Betsy Gamrat of 8 Muldoon Drive requesting opportunity to discuss with the Board provisions to allow cyclists and pedestrians to travel safely on 3A/Lowell Rd with respect to the CMAQ application filed by the Town.

Mr. Thebarge said that he had been in communication with the letter's author and indicated problems with only installing a cyclist crossing on that one bridge approach that would encourage cyclists to go down through that set of busy Lowell Road intersections. This can't be done with piecemeal safety improvements but requires a comprehensive bicycle & pedestrian analysis for that whole area of Lowell Road. There are sidewalks and an off-road path there now.

The Planning Board members present unanimously decided that they have no jurisdiction over that project and asked Mr. Thebarge to refer Ms. Gamrat to the State agencies that have authority over it.

XVII. ADJOURNMENT

Motion to adjourn by Mr. Ulery. Seconded by Mr. Dumont. All in favor – motion carried.

Meeting adjourned at 8:30 p.m.

William Collins
Secretary